

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL MYERS, ROBERT G. NEALE,
MARK B. MUMLEY, and GREGORY PENN

v.

TRANSCOR AMERICA, LLC

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NO. 3:08-0295

ORDER

As provided in the contemporaneously filed Report and Recommendation, all claims in this case have been dismissed except for claims brought under 42 U.S.C. § 1983 by Plaintiff Robert G. Neale that Defendant Transcor America, LLC violated his Eighth Amendment right to be free from the use of excessive force.

Copies of orders mailed by the Clerk on September 10, 2010, and October 1, 2010, to plaintiff Neale at this last known address at the West Tennessee Detention Facility ("WTDF") have been returned with notations "moved left no address" and "return to sender," suggesting that the plaintiff is no longer incarcerated at the WTDF. See Docket Entry Nos. 433, 435, 446, and 447. However, the plaintiff has not filed a notice of change of address.

Plaintiff Neale was clearly aware of his obligation to provide the Court with a notice of change of address. By order entered August 7, 2009 (Docket Entry No. 293), the plaintiffs were cautioned that failure to keep the Court informed of their current addresses could result in a recommendation that the case be dismissed. Plaintiff Neale, in fact, filed a notice of change of address on August 3, 2009 (Docket Entry No. 289), when he was transferred to the WTDF.

Despite mail to plaintiff Neale having been returned as undeliverable, he will be provided an additional opportunity to advise the Court of his current address and whether he intends to continue to prosecute this action.

Plaintiff Neale shall have until January 26, 2011, to file a notice of his current address and a notice indicating whether or not he intends to continue to prosecute this case.

He is again warned that his failure to provide such notice by January 26, 2011, is likely to result in the dismissal of this case for failure to prosecute and failure to comply with this order.

The Clerk is directed to mail a copy of this order to plaintiff Neale at the address currently listed on the docket, with the following listed in bold lettering on the envelope:

If Robert G. Neale is no longer at the WTDF, please forward to the institution to which he was transferred or, if he was released from incarceration, to any address he may have provided to WTDF upon his release.

It is so ORDERED.



JULIET GRIFFIN
United States Magistrate Judge